

THE APPOINTMENT OF 2013 CABINET MINISTERS IN ZIMBABWE: A LOST OPPORTUNITY FOR GENDER PARITY IN DECISION MAKING POSITIONS

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ABSTRACT

Women the world over have generally been underrepresented in decision making positions, and in cases where they are present they are relegated to peripheral positions. Despite the existence of various national, regional and international obligations to deal with gender balance and equality, women continue to be side-lined in decision making spheres. In Zimbabwe, target (3B) calling for women participation in decision making remains the only missing target of MDG 3 (promoting gender equality and women empowerment) set to be achieved by 2015. Through the liberal 2013 Constitution, people were sanguine that President Mugabe was going to use his constitutional powers to *'walk the talk'* on gender balance and equality in cabinet. Astonishingly, the 2013 cabinet announcement was an utter disregard to national, regional and international obligations, as only 3 women made it to the 26 member cabinet. This was a regression in Zimbabwe's efforts to achieve gender equality since independence in 1980. In justifying such a move, the President uttered that "...There were just not enough women" to choose women ministers from. Through the use of literature review this paper challenges the move as a mere lack of will, violation of the 2013 Zimbabwean Constitution, regional and international standards, and lapse in gender equality trajectory ahead of the 2015 SADC and MDGs deadline. It is envisaged that African governments, Zimbabwe included will be reminded by this paper to *'walk the talk'* on gender equality and to improve women's effectiveness in political positions by giving them influential ministries, as opposed to *'window dressing'*.

Key words: cabinet, decision making, gender, balance, equality, women.

INTRODUCTION

An equitable society puts value and worth to each human being's contribution to the development and wellbeing of society at all levels (UNDP 2000:120). Notwithstanding such a remarkable observation by the United Nations Development Programme, women are underrepresented in high-level decision-making positions, including as heads of state, parliament

and in cabinet positions. Women are being circumscribed despite international and national instruments to promote gender parity in decision-making within political parties and public office. Though many authors (Reynolds 1999; Siaroff 2000; Whitford 2007) have noted number of impediments to women participation in decision-making, Zimbabwe has manifested a new challenge to this effect, as the President failed to '*walk the talk*' in cabinet gender parity. The Zimbabwe African National Union-Patriotic Front (ZANU PF)'s victory in the 31st July harmonized elections saw many Zimbabweans anticipating President Mugabe to re-affirm the nation's commitments to gender balance advocated for during his entire 33 years of rule since independence in 1980. Zimbabwe's gender cause is reiterated no more than in Section 3 (g), 17 and 104 of the 2013 Zimbabwean Constitution, in accordance with regional and international protocols. Defiantly, President Mugabe appointed a regressive male-dominated cabinet with only 3 women out of 26 ministers, 3 out of 13 ministers of state and 5 out of 24 deputy ministers (Zaba and Ndebele 2013). This effectively means that only 11.5% of the 2013 cabinet is female, well below the 50-50 ratio called by the Constitution and Southern Africa Development Community (SADC). Agonizingly, this figure is below the 2008 Government of National Unity (GNU) Cabinet which had 21%, that is 12 women out of the 57 cabinet members (Dube 2012).

Comparatively, Zimbabwe is not sincere about gender parity, as she is ranked 88th globally and last in Southern Africa with regard to women's representation in government (SAGPA 2012). This is happening despite a gloomy record for its neighbours in ensuring women's participation in decision-making. Of all the African States, Rwanda is the top achiever in its compliance with African Union (AU) gender parity benchmarks, scoring 56% against the AU goal of 50% (Dube 2012). Rwanda is followed by several nations including Zimbabwe's SADC neighbours South Africa at (45%), Angola (37.3%), Mozambique (34.8%), Uganda (30.7%), Burundi (30.5%) and Tanzania (30.4%). Ahead of Zimbabwe there are Eritrea, Ethiopia, Lesotho, Mauritania, Namibia, Seychelles, Senegal, and Tunisia with over 20% representation (Dube 2012). Lastly, Zimbabwe trails behind with a measly 16.9%, scoring the lowest in Southern Africa. With the announcement of the 2013 cabinet, it is likely that Zimbabwe will backslide to the lowest in the world.

The 2013 Cabinet announcements of 10th September saw paltry women emerging under these ministries;

The (three) 3 women ministers out of the 26 ministers are;

1. Dr Olivia Muchena - Higher and Tertiary Education, Science and Technology Development;
2. Oppah Muchinguri - Minister of Women Affairs, Gender and Community Development, and
3. Sithembiso Nyoni - Minister of Small and Medium Enterprises and Co- operatives;

The (three) 3 women ministers of state out of the 13 ministers;

1. Flora Bhuka - Minister of State in the President's Office;
2. Eunice Moyo - Minister of State for Provincial Affairs Bulawayo and
3. Mirriam Chikukwa - Minister of State for Provincial Affairs Harare.

The (five) 5 deputy ministers out of the 24 deputies are;

1. Alice Mabuwa - Deputy Minister of Industry and Commerce;
2. Tabeth Malinga - Deputy Minister of Sports and Culture;
3. Petronella Kakonye - Deputy Minister of Transport and Infrastructural Development;
4. Abigail Damasane - Deputy Minister of Women Affairs, Gender and Community Development, and
5. Dr Win Mlambo - Deputy Minister of Information Communication Technology, Postal and Courier Services (Herald 2013).

No woman was awarded the prerogative to take charge of important ministries such as Ministry of Finance, Justice, Foreign Affairs and Defence. Thus confirms that women have been found to hold fewer and weaker cabinet portfolios with 'feminine' characteristics and lower levels of prestige (Davis 1997; Reynolds 1999; Studlar and Moncrief 1999).

The 2013 cabinet regression happened against a 108-page ZANU PF party manifesto with gender equality as one of its grandiose ambitions. Such social promises somewhat lured supporters, giving President Mugabe of ZANU PF a resounding victory on 31 July 2013. It is no secret that women comprised the majority voters who casted ballots to give ZANU PF the 2/3 majority parliament. The manifesto could not but trigger hyper-expectations on the party of the masses and this may well be President Mugabe's Waterloo (Masunungure 2013). Nevertheless, President Mugabe of ZANU PF party had the leverage to fulfil promises by exercising his constitutional powers to appoint a gender balanced cabinet to spearhead national policy formulation, taking over from the vestiges of the GNU which ended on June 29 2013. As such 10 September 2013, the date President announced cabinet is regarded by many gender advocates as the day President Mugabe had an opportunity to set a record on Zimbabwe's commitment to the fulfilment of national, regional and international obligations to promote women participation in decision making positions.

A gender balanced cabinet would have overturned long-standing gender roles and placed President Mugabe in the same bracket with other heads of States who achieved gender equality in their cabinets; the likes of Michelle Bachelet of Chile in 2006, the Spanish prime minister Jose' Luis Rodríguez Zapatero who announced a gender balanced cabinet in 2004 and 2008 (Krook 2009). Conversely, the failure relegated President Mugabe to many leaders criticised for low women members in cabinet, including the British Prime Minister David Cameron, Canadian Prime Minister Stephen Harper, and South African president Jacob Zuma (Krook 2009), who have been attacked for the failure to include a considerable number of women in their cabinets. During the first quarter of 2013, the Gender Working Group in Nigeria brought to the world's attention that appointments in Kaduna state by Governor Patrick Ibrahim Yakowa were gender blind despite a clear 35% women representation called by the Nigerian Gender policy adopted in 2006 (Moyo 2013). In Ghana, the Federation of Women Lawyers condemned the marginalisation of Ghanaian women in leadership positions, as there were no women out of 10 regional ministers appointed in 2008 (Moyo 2013). This confirms that President Mugabe's grossly gender-imbalanced cabinet is part of a larger problem affecting many African States in particular and the World in general.

Explaining the criteria he used to select Ministers President Mugabe explained: “...*Are you ZANU (PF)? How much ZANU (PF) are you? How long have you been with us...?*” and in relation to the gender dimension, he further explained; “... *there were just not enough women*” (Herald 2013). This is an unfortunate statement from a President who, since independence has been preaching women empowerment that yielded gender parity in education system (MDGs Status Report 2012). Although President Mugabe is the head of ZANU PF party, he represents all Zimbabweans as the head of government, a supra-representation function that justifies his taking account of the overall proportion of all women, rather than only the proportion of women within his caucus. The President’s explanation is untenable considering that Zimbabwe boasts the highest literacy rates; there are 89% of literate women in Zimbabwe (UNSD 2011). Also, the country has many educated women within parliament, ZANU PF and non-ZANU PF who left footprints on the country’s economic, political and corporate spheres. It is therefore peremptory for researchers to promptly remind African governments to honour regional, international obligations as well as to practice constitutionalism in relation to gender parity, lest Presidents forget the significance of their commitments to full gender balance.

The objective of this paper is to critique the justification given by President Mugabe in selecting paltry women to the 2013 cabinet against constitutional, national, regional, and international standards. The appointments are a regression to the “*best gender practices*” in modern day society taking into account Zimbabwe’s commitments under international and regional instruments. Above all, the Zimbabwean executive fall short of the obligations in the new Constitution, he signed into law on 22 May 2013. Existing work on this issue is mainly concerned about the motives and possible effects of the matter (Reynolds 1999; Siaroff 2000; Whitford 2007) and largely focuses on other nations other than Zimbabwe but European regions (Davis 1997; Russell and DeLancey 2002). Frequently, paltry women participation is blamed on women’s weaker socio-economic position, lack of education, the burden of work and entrenched cultural prejudices (Dziva et al 2013; UNDP 2000). Paradoxically, the Zimbabwean scenario has yet availed a new phenomenon, which relegates the above factors to be applying to women participation in elected positions. When the executive is armed with constitutional provisions to

nominate a gender balanced cabinet, even outside parliament but fails, the lack of political will comes into question as the impairment to women's participation in decision-making office. Therefore, the paper will start by envisaging the significance of gender equality to development, followed with a run-down of Zimbabwean efforts to promote women participation in decision making since 1980. The paper will then show regional and international obligations promoting women participation that Zimbabwe is a State party to. At the end, the central legal questions arising from the constitutional role of the President in the promotion of gender equality are scrutinised with recommendations to stakeholders, all of which have received less attention. Despite growing media attention, there has been relatively little research on women in cabinets, although these are among the most powerful political positions (Davis 1997; Studlar and Moncrief 1999).

Theoretical Framework

This research is informed by the women in politics theory to explain women's cabinet representation. "...there were just not enough women" (Herald 2013) can be put simply to mean that the number of women included in the 2013 cabinet was a combined result of the 'supply' of women available to be nominated and the 'demand' for female aspirants on the part of political elites (Norris and Lovenduski 1995; Randall 1982). Basing on this view, it means President Mugabe failed to practise gender equality in cabinet due to the fact that there were few women eligible for the posts. The woman in politics framework suggests that in instances where women are many in parliaments, there may be a greater supply of potential female appointees to the cabinet. Hassim (2006:5) suggests that the notion of "critical mass theory" is also appropriate when talking about women in decision making, since women are likely to be awarded effective portfolios when they attain a significant proportion among decision-makers. If there were many women in 2013 Parliament and Senate, President Mugabe might have expressed a greater demand for female nominees and be less able to exclude women or deny them masculine and high-prestige assignments.

SIGNIFICANCE OF WOMEN PARTICIPATION IN DECISION MAKING

Women's presence in the current Zimbabwean cabinet is pathetic just like in all spheres of public life and this is an affront to the doctrines of democracy and good governance, which stresses the

need for an inclusive political and socio-economic system. In this respect, UNDP (2000:100) observed that democracy should be an inclusive political and socio-economic system. Failure to ensure the participation and inclusion of women's voices in decision-making processes defeats the goals of 'equality, development, and peace,' as it is necessary to take women's and girls' interests into account in order to strengthen democracy and promote its proper functioning (UN 2007). Paltry women participation in cabinet comes with consequences to development as cabinet is the effective arm of government responsible for setting the policy agenda of a nation, determination of policy content and overseeing, including its implementation and administration. In other words, development priorities undertaken by a male-bloated cabinet are gender blind. Also, gender inequality such as in cabinet means Zimbabwe misses out on its majority and valuable resource; in terms of the energy, creativity and commitment of women (UNDP 2000: 100). Women as a social group, should be placed at the centre of any decision making body. The immediate cost of gender inequality is organisational inertia, and gradual skewed development. The interests and concerns of women need to be taken into account and it is vital that women take part in development processes as active participants rather than passive recipients (Dube 2012). As the majority in society, who cut across reproductive and productive roles, they are more acquainted with social problems than men. Certainly, the presence of women in decision-making improves social welfare of the State as women in leadership positions are more likely to represent the needs and interests of other women and vulnerable groups such as children and people with disadvantages than men (IPU 2000). More so, the participation of women is a universal human right which ought to be respected as they are acknowledged by several instruments like the Universal Declaration of Human Rights (UDHR) (1993). The right of women to participate in decision-making is not just a concession of a benevolent State, it is an entitlement due to women for the simple fact that they are human beings (Navarro 1995). As aptly captured by the Beijing +10 outcome documents that the collection of gender-disaggregated data and the mainstreaming of gender into macro-economic policies would help accelerate poverty reduction (UNGLS 2005), the presence of women in decision making positions related to economic decision making as Ministers will help a long way to eradicate poverty.

If there is no gender equality in decision making, women miss from the budgeting process, and women will not be present in the financial, peace, and international negotiations, structures and delegations. The United Nations (2000), in its Resolution 1325, recognises that the exclusion of women in deciding the nature, scope, and impact of peace processes renders such processes ineffective. By virtue of their reproductive roles, women are poised to be good leaders who might approach development problems with a humanistic value. Their contribution begins within the family where they instil in their children principles such as understanding, caring, respect and love for one another (Navarro 1995). It is from this perspective of viewing women as bearers of productive and reproductive roles, that one avails them as ideal candidates to lead ministries and turn around the Zimbabwean society. In a State like Zimbabwe, which went through political and economic turmoil women's voices are an invaluable asset in developing peace-building initiatives and development.

The promotion of gender parity by the executive in cabinet sets precedent for the upliftment of women at national, regional and international sphere. Basically, countries with 30% women in parliament and cabinet have groomed and seen those women garnering to top positions in regional and international platforms. For instance, South Africa with 13 women in its 25 member cabinet and 16 female deputy ministers since 2009 has seen former government women employees landing top international posts. Evidently, former South African Minister Nkosazana Dlamini – Zuma is now the African Union Commission Chairperson, former South African Deputy President Phumuzile Mlambo- Ngcuka was sworn in August 2013 as the United Nations Women Executive Director, while South Africa's Geraldine Fraser-Moleketi is UNDP Director for Democratic Governance. By itself, South Africa prepared their women to take up influential international positions, something that Zimbabwe will hardly achieve.

It is also of paramount importance for women to be given crucial ministries and positions in decision making, so as to position them to take over more challenging positions. Notwithstanding such a belief, however, Davis's (1997) study of portfolio allocations in Western Europe between 1968 and 1992 provides evidence that women are primarily assigned ministries reflecting the opportunities to them, such as health, social welfare, education, family, culture,

and consumer affairs. Similar to Zimbabwe, women have never held portfolios in areas more influential and powerful, like, foreign affairs, defence, justice, finance, agriculture, save only for gender-neutral policy areas, such as the environment, education, labour and social services, development and tourism. The relationship between women ministers and ‘feminine’ cabinet assignments in Zimbabwe stem from broader tendencies to perceive certain ministries as closer to women’s concerns (Davis 1997; Studlar and Moncrief 1999). This was also mentioned by Caroline Flint in resigning her position as Minister of State for Europe in 2009, when she accused British Prime Minister Gordon Brown of using women as ‘*window-dressing*’ whilst excluding them from ‘*real*’ power’ (Krook 2009). These linkages should be broken for development to occur, through woman assuming prominent roles in finance, defence, home affairs, security and foreign affairs. It is these crucial ministries that attract media attention, which will in turn be used as a stepping stone to higher offices by women, and stem their authority within the cabinet (Laver and Hunt 1992; Rose 1987; Warwick and Druckman 2006).

ZIMBABWE’S GENDER EQUALITY PRACTICES SINCE 1980.

Zimbabwe has been making efforts in ensuring gender parity in socio-economic and political spheres since gaining independence in 1980. These efforts saw Zimbabwe achieving gender targets such as parity in primary, secondary and partly tertiary education (MDGs Status Report 2012). With these achievements in mind, the announcement of a men-stuffed cabinet with paltry women by President Mugabe is indefensible and a regression of the strides made in that respect. The 2013 cabinet is identical to the then 1980’s 23 member cabinet of Mugabe, which had only 1 woman Joyce Mujuru as the Minister of Youth, Sport and Recreation, while Victoria Chitepo and Naomi Nhiwatiwa were appointed as Deputy Ministers of Education and Culture, and Post Telecommunications respectively. Even in 1980, the presence of 1 woman minister did not commensurate with the role women had played in the liberation struggle, where they fought alongside men and they were in a position to make greater demands above the paltry 4.3%. The number of female cabinet ministers in years that followed 1980 were as follows: 1 woman out of 30 members (4.3%) in 1993, 1 woman out of 24 members (4.1%) in 1995, 6 women out of 32 members (18.7%) in 1998, 3 women out of 21 members (14.2%) in 2000 (UNDP 2000:130), and 12 women out of 57 (21%) in 2008 (Dube 2013). These efforts by President Mugabe since 1980

also saw Joice Mujuru being appointed the first female Vice-President in 2005, a position she holds till 2018. Such a deliberate move by Zimbabwe was applauded by many gender proponents in women empowerment.

Legislative changes which sought to give equality to men and women were also encouraging in Zimbabwe since 1980 (UNDP 2000:121). Accordingly, between 1980 and 1997 government instituted legislative reforms, which included; Minimum Wages Act 1980, Equal Pay Regulations Act 1980, Customary Law and Primary Courts Act 1981, Legal Age of Majority Act 1982, Labour Relations Act 1985, Constitutional Amendment Act of 1996 which outlawed gender as the basis of discrimination (UNDP 2000) and the Domestic Violence Act of 2006. Although these laws sought to effect equality, they faced limitations as a result of the existence of customary laws and normative structures. Even with limitations, Zimbabwe is commended for a liberal approach to gender in legislative and policy frameworks in line with international standards.

The government of Zimbabwe was not alone in this effort to promote gender parity. When the State was playing a vanguard role in ratifying covenants and passing legislative reform, women's organisations have been instrumental in raising awareness about legal rights (UNDP 2000: 127). This is no more evident than the role women organisations played during the 2013 Constitution making process, when the majority populace participated in public hearing and constitutional referendum. Considerably, the new constitution of Zimbabwe envisages gender balance and equality issues. The involvement of the NGOs, pressure groups such as Women of Zimbabwe Arise (WOZA), Musasa Project, Zimbabwe Women Lawyers Association (ZWLA) and the generality of the population mooted a good opportunity to establish a compelling legal framework that they envisaged to become the benchmark for gender balance and gender equality. Not surprisingly, it was largely the issue of gender balance and equality that motivated women vote 'yes' to the draft Constitution into law in March 2013.

Major political parties in Zimbabwe, ZANU PF and the MDC formations also mainstreamed gender parity visions through quotas for women in politics at (30% and 50% respectively) (SAGPA 2012). However, neither of the parties has made inroads in effectively applying the

policies as women continue to lag behind men in all spheres of life. During the much touted negotiations to the 2008 GNU between ZANU PF and the MDC formations, only one woman participated in the negotiations (Dube 2012). Under the GNU government, which preceded the 2013 government, women represented 28 out of 210 (13%) seats in Parliament, 23 out of 91 (25%) seats in the Senate, and 12 out of 57 (21%) in Cabinet positions (Chitsike 2012). Zimbabwe's coalition government has had a female vice-president (Zanu PF party) since 2005 and a female deputy Prime Minister (MDC party) since 2009 (Dube 2012). In other decision making areas such as traditional leadership, only 6 out of 217 Chiefs are women. To add on, there are 4 female judges in the High Court out of a total of 24, and 4 female judges in the Supreme Court out of a total of 8 (Dube 2012). Though discernible, there was a gradual improvement in women access to decision making positions in Zimbabwe, since 1980, as compared to regional nations. The responsible authorities were failing to *walk the talk* on this issue, a major reason why Zimbabwe is at the bottom in the region with regard to achieving gender equality targets. Against such a background, President Mugabe's 2013 cabinet announcement was a short in arm in the quest to promote gender parity in cabinet, 24 months before 2015 SADC and MDGs target.

INTERNATIONAL AND REGIONAL COMMITMENTS TO GENDER EQUALITY

Zimbabwe has been consistent in its acceptance of international and regional standards contributing towards the improved participation of women in decision-making. International institutions have endorsed gender equality to be their top development agenda following the waves of democratization in Africa. The political rights of women to participate in decision making are recognised in Articles 2 and 21 of the 1948 Universal Declaration of Human Rights (UDHR) which calls for the equal enjoyment of political rights without discrimination on the basis of one's sex or any other ground. As well, the International Covenant on Civil and Political Rights (ICCPR) reaffirmed the principle of non-discrimination in the exercise of the right to participate in public and political life (Parkhurst 2007). Together with the UDHR, ICCPR remains the major international instruments encompassing the right of every citizen to participate in public affairs, including being nominated as Ministers. To that effect, the Beijing Platform for Action 1995, later revised at the 23rd Special Session of the United Nations (UN) General

Assembly held in June 2000, invigorated national governments including Zimbabwe to “*set and encourage the use of explicit short and long-term time-bound targets or measurable goals, including where appropriate, quotas to promote progress towards gender balance, including women’s equal access to and full participation on the basis of equality with men in all areas and at all levels of public life, especially in decision making positions, in political parties and political activities.*” (ADF 2008).

Resultantly, many international mandates followed suit to call for gender parity in all spheres of life. Of important to note is the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which encourages comprehensive mainstreaming of gender equality in development endeavours. Zimbabwe is again a State party to CEDAW, the first international treaty dealing explicitly with women’s rights. Ahead of the problems that were expected in developing States like Zimbabwe in the new millennium, the Millennium Developmental Goals (MDG’s) and the UN Security Council Resolution 1324 of 2000 were mooted to help nation States work towards gender parity. By insinuation, the MDGs framework recognizes the centrality of gender equality and empowerment of women to the achievement of all international development goals and also has goal 3 specifically addressing gender equality. It is indeed farsighted to conclude that the 2013 Zimbabwean cabinet is an affront to international standards they ascended, which are geared towards effective participation of women.

In Africa, the principle of equality and non-discrimination between men and women is enshrined in the founding legal instrument of the African Union (formerly the OAU, 1963) and also in the African Charter on Human and Peoples’ Rights (1981) that provides for the elimination of discrimination against women and for the protection of their rights (ADF 2008). In addition, the AU Heads of States, including President Mugabe adopted two additional instruments so as to explicitly address gender parity in the African continent. Therefore, the 2003 adopted Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (the African Women’s Protocol) of Maputo, that calls on states to take positive action to promote ‘*participative governance and the equal participation of women in the political life of their countries*’, as well as to ensure the increased and effective representation and participation of

women at all levels of decision-making.' (ACPHRW 2003). Zimbabwe is therefore, supposed to periodically report on their efforts to address the aforementioned issues.

Also, significant commitments have been made in Southern African region to foster women's participation in decision-making. As far as 1997, SADC regional bloc, a brainchild of Zimbabwe mooted a Declaration on Gender and Development and in 1998 signed the addendum to this Declaration on Prevention and Eradication of Violence against Women and Children. This instrument provides the region with a pillar for attainment of gender equality and a foundation for the overall policy framework (ADF 2008). The SADC gender parity framework is a regional synergy and synthesis of efforts in the attainment of gender equality and development in the region. Upon the signing of the Addendum, member States like Zimbabwe have been responsive through the introduction of policies and laws in a bid to address gender inequality. To concretise the Declaration, the SADC Heads of State in August 2008 signed the SADC Gender and Development Protocol, an instrument that introduced time-bound and legally binding actions for accelerating gender equality. The objectives of the SADC Gender and Development Protocol are to provide for the empowerment of women, eliminate discrimination and achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects (ADF 2008). In a nutshell, the protocol synchronizes the various commitments and declarations to which SADC member countries are signatories to and provides legal and policy frameworks to enhance implementation of programmes in order to deepen regional integration, sustainable development and community building.

Regional efforts to gender equality in Africa reaffirm the commitment by Heads of States to a number of treaties such as CEDAW, Beijing Platform and UN Security Council Resolution 1325 of 2000, which virtually calls for gender equality. Implementation of these obligations in Zimbabwe remains marginal, although it is on-going. However, the paltry women in 2013 cabinet are far below the 50/50 men and women representation target by SADC protocol on Gender and Development by 2015. Considering that the target is 2 years away from now and Zimbabwe dropped from 21% in cabinet that preceded the 2013 to 11.5% in 2013, it is very doubtful Zimbabwe will correct this huge deficit before 2015 deadline. Apparently, President

Mugabe is not used to cabinet re-shuffle, meaning this mishap will likely be rectified in 2018, after 5 years span of the cabinet. This being the case, the 2013 cabinet is a lost opportunity in cabinet gender parity.

THE 2013 CABINET ANNOUNCEMENT IN ZIMBABWE: CONSTITUTION WITHOUT CONSTITUTIONALISM.

Section 17 of the Zimbabwean Constitution

Section 17 of the Constitution of Zimbabwe mandates the State, and all its organs to thrive, in all their activities and appointments, to attain full gender balance and equality. The exclusion of many women in Zimbabwean cabinet of 2013 is therefore a total disregard to the Zimbabwean Constitution, as it downplays discrimination of anyone on any grounds, be it gender or level of education. Specifically, section 17 of the 2013 Zimbabwean Constitution is the pillar of the Zimbabwean law and policy binding guideline on how the gender issues must be addressed. This provision followed a background of a dismal historical failure by the previous governments to seriously practice effective and sensitive gender balance. Fundamentally, Section 17 was crafted as a last solution to issues of women participation in national issues as Section 17(1) reads;

“The state must promote full gender balance in Zimbabwean Society, and in particular:-

(a) The state must promote full participation of women in all spheres of Zimbabwean Society on the basis of equality with men: (Constitution of Zimbabwe 2013).

(b)(i) both genders are equally represented in all institutions and agencies of government at every level” (Constitution of Zimbabwe 2013).

The constitutional provisions mentioned above must be given both a “literal” and “mischief” interpretation. The “literal” interpretation connotes just taking the words in their ordinary everyday meaning. This can be understood by merely looking at the dimensional linguistic meaning of the key words. Accordingly, the words “...promote full gender balance” will be closely looked into. Literally “promote” connotes, a deliberate spearheading or pushing forward, with a foresight of the intended outcome. In the Oxford Advance Learners’ Dictionary,

“promote” is defined as meaning, “either to help something to happen or develop (Hornby 2006), and it is from this definition that this paper has managed to come up with a literal understanding of the word “promote”. The other key word is “full” and this paper will interpret it literally to mean doing it to the full and complete, without leaving anything to chance. This is again derived from the Oxford Advance Learners’ Dictionary which has defined “full” to mean, “containing or holding as much or as many as possible” (Hornby 2006:603). The other key word is “gender”, which this paper has literally interpreted it to mean sexuality consideration or characterization. The last key word in the literal interpretation is “balance” and this paper has interpreted it to mean a situation in which different things exist in equal, correct or good amounts” (Hornby 2006: 98). In this regard “promote full gender balance” are literally reach words working up a colourful phrase which brings about very high expectations that President Mugabe was supposed to honour gender balance in his 2013 cabinet announcement.

Using the “Mischief rule of interpretation” the key words “promote full gender balance” are interpreted with a mind of what the drafters had wanted to achieve by carefully choosing those words. This interpretative method assist in having a statute or provision of law, being an answer to substantial and peculiar issue that a particular society envisages to attain at a given time in their development. This invites the interpreter or actor, or performer to look outside the box and test the achievable in relation to the general aspirations of the society in whole and not in part. The background to Section 17 of the Constitution of Zimbabwe is that despite the existence of various women promotion provisions and opportunities since 1980, the actors or performers, particularly the executive arm of government had taken no heed. As a result the provisions of Section 17, more particularly the inclusion of words “full” and “balance” were a clear signal of the final sentiments to the effect that “enough is enough” and women must get their 50% share in decision making positions. In this vein, the State and non-state actors are given a peremptory mandate to just award to women in Zimbabwe at least 50% stake in every sphere opportunity. The Zimbabwean President is no longer given any option on gender parity by the Constitution which makes it legally binding to give 50% share to women in positions. Intrinsically, the announcement of a male-dominated cabinet by President Mugabe on 10 September 2013 was against the supreme law of Zimbabwe. All considerations taken together, the society of Zimbabwe are in agreement that there is no legal justification or excuse, whatsoever, for not

practicing absolute gender balance in Zimbabwe. It is in this respect that excuses put forward by President Mugabe, that there were not enough educated women in his ZANU PF party are considered not only untrue, but a lame excuse to unmask the African believe that women are incapable of making national decisions (Moyo 2013).

Section 104 of the Zimbabwean Constitution and the selection of Ministers

As stipulated in Section 104 of the Constitution of Zimbabwe, the President is empowered to appoint ministers and assign functions to them. Section 104 (3) provides that,

“Ministers and Deputy Ministers are appointed from among Senators or members of the National Assembly but up to 5 (five) chosen for their professional skills and competence, may be appointed outside Parliament pursuant to this section” (Constitution of Zimbabwe 2013).

Armed with such prudent clauses, there is no justification by the President to have not selected more women to be cabinet members. If the President had noted that *“...There were just not enough women”* (Herald 2013) from his resounding 2/3 majority parliament to choose ministers, he could have invoked section 104 (3), to choose them from all walks of life. Instead of using his constitutional powers to promote gender equality, President Mugabe used Section 104 (3) to choose the following 5 non-parliamentarians male Ministers to add on to his male-bloated cabinet;

1. Professor Jonathan Moyo - Minister of Information and Broadcasting Services,
2. Joseph Made - Minister of Agriculture, Mechanisation and Irrigation Development,
3. Lazarus Dokora - Minister of Primary and Secondary Education,
4. Martin Dinha - Minister of State for Mashonaland Central Province and,
5. Faber Chidarikire - Minister of State for Mashonaland West Province, (Herald 2013).

In exercising his powers under the said Constitution the President is guided by provisions of Section 104(4) of the same Constitution, which provides;

“In appointing Ministers and Deputy Ministers, the President must be guided by Considerations of regional and gender balance” (Constitution of Zimbabwe 2013).

The key provisions are those in Section 104 (4) which reads, “...must be guided by considerations of regional and gender balance” (Constitution of Zimbabwe 2013). The President has no discretion, but must always be balancing regionalism and gender parity, which implies that there must be equal number of Ministers from all the 10 regions of Zimbabwe. These should also be constituted of an equal or balanced number of men and women. This sentiment is buttressed by Borrelli (2002) who believes cabinets should more closely resemble the populations they represent. Failure to embrace this is divisive and leads to underdevelopment. The “must” is distinguishable from the word “may”. The reason why the Constitution under Section 104 (4) uses the word “must” is to really emphasise that the discretion of the President is on exactly which men or women to appoint. The President has no option on how many men and how many women, because the number needs to be the same and balanced. The President had discretion to decide how many Ministers and Deputy Ministers he wanted, and immediately thereafter just break even and balance between men and women and make sure that they are fully balanced and representative of regions. However, President Mugabe’s decisions in 2013 cabinet were inconsistent with the Constitution.

Zimbabweans through voting for the new 2013 ‘people driven’ Constitution realized that gender equality and balance is a cornerstone and indispensable tool for development. Zimbabwe aspires through this provision to give same opportunity, outcomes, rights and obligations in all spheres of life, including sharing in the distribution of power and influence between men and women on an equal basis. A balancing act of evenly distributing and sharing opportunities and responsibilities amongst men and women of Zimbabwe is now a constitutional obligation. Cabinet appointments are therefore one such big opportunity that presents itself at the highest level of government where “full gender balance” could have been provoked and from there, the principle could be cascaded down to every sector of the society. As the totality of female appointed ministers in the 2013 cabinet in Zimbabwe is nearly 12% (WIPUSU 2013), way below the stipulated 50%, this is a dismal failure and lost opportunity by actors and performers in fulfilling the peremptory provisions of the Zimbabwean Constitution.

These results challenge the women in politics theorists and their argument that mechanisms for the real representation of women lie within their numbers and the “critical acts that can lead to

changes in the position of minorities in society” (Childs and Krook 2006:6). Zimbabwe with nearly 52% women population (ZimStats 2012), 34% women legislators in the 2013 8th parliament and a women sensitive Constitution hoped for parity in cabinet but in vain due to the unwillingness of the executive. Now that the Constitution calls for equality in Section 17 and 104, it is vital that President practice constitutionalism with regard to gender equality and offer women crucial Ministries in the cabinet. Since Zimbabwe attained its independence in 1980, no women have ever been appointed to most powerful ministries, such as the Ministry of Finance, Ministry of Defence and Ministry of State Security. A mock re-deployment was only made once to the Ministry of Home Affairs for Theresa Makone in the GNU, but only as an inferior co – minister to Minister Kembo Mohadi a male counterpart. If Zimbabwe is to attain sustainable development, leaders and executives should ‘*walk the talk*’ on gender parity.

CONCLUSION

While the marginalisation of women in decision making positions is nothing new in development, the intensity and occurrence of direct disregard to gender equality stipulated in the Constitution by President of Zimbabwe during the 2013 cabinet selection was unprecedented. In both the composition and content of ministerial appointments in Zimbabwe, gender equilibrium has never been implemented. This must not be seen in the narrow lens of a Zimbabwean perspective but as a confirmation of what is retarding sustainable development in most parts of Africa. As such African leaders have little regard for gender equality and view women as incapable of holding top government offices. There is no practice of full gender balance in decision making appointments, a clear violation of the Constitution and a disregard to the binding gender principles at regional and international level. This is detrimental to the virtues of democracy and development considering that gender equality and balance are a cornerstone and indispensable tools for sustainable development. Ahead of the 2015 MDG and SADC deadline for states to have achieved gender development targets, such appointments resemble a lost opportunity for Zimbabwe to achieve gender parity in decision making.

RECOMMENDATIONS

1) Civil society and Gender Equality Advocates

This paper vouch for robust litigation, lobbying and campaigning as necessary tools to enable the government of Zimbabwe to fulfil its constitutional obligation of attaining a “*full gender balance*” not only in cabinet but in all sectors of public and private life. The “*full gender balance*” is an achievable deliverable, which only calls for commitment and constitutionalism. Constitutional petitions and public interest litigation must be made, to seek the nullification of the cabinet appointments on the basis that they are contrary to provisions of the Constitution, in that they failed to meet the minimum standard of “*full gender balance*” of at least 50% women appointments in Cabinet. The defence already raised by the President, that “... *there were just no enough women*” (Herald 2013) is not a justifiable defence to the mandatory provision of Section 17 and 104 of the Constitution.

2) Executives and Presidents

This paper recommends political will in appointing women to decision making positions as ‘lack of will’ was found to be the major reason impairing women’s participation in appointed decision-making platforms like cabinet. In Zimbabwe, there should be a re-shuffle of the cabinet to cater for gender balance since the proportion of women ministers has to be constitutional and depend less on women legislator’s party affiliation, women proportion or credentials within the party forming government, but more on their overall population proportion.

3) Regional and International institutions; UN, AU and SADC

Researchers recommend coercing State parties to regularly submit State reports, for Zimbabwe’s reporting record has been less than satisfactory having recently submitted its second, third, fourth, and fifth reports to the CEDAW Committee of Experts combined (CEDAW 2012). More so, international institutions should force member States to abandon dualistic laws to ease procedures for domesticating international obligations. It is also important not only to come up with quotas but devise tools to coerce or change the mind-set of African leaders. The idea is reached after the realisation that quota systems, regional and international conventions are not enough as they are disregarded by leaders. As important as they have brought parity in other African states like Rwanda and South Africa, the tools have shortfalls that maybe countered by changing mind-sets of male African leaders.

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